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2
3 **BEFORE THE PUBLIC DISCLOSURE COMMISSION**
4 **OF THE STATE OF WASHINGTON**
5

6 IN THE MATTER OF ENFORCEMENT)
ACTION AGAINST)

7)
8 International Brotherhood of Electrical)
Workers Local Union No. 46)

9 Respondent.)
_____)

PDC CASE NO: 04-273

FINAL ORDER IMPOSING FINE

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11 **PROCEDURAL HISTORY**

12 On June 11, 2003, Gary Price, Business Manager for the Respondent International
13 Brotherhood of Electrical Workers Local Union No. 46 (IBEW Local 46), and the
14 Respondent's attorney, James D. Oswald, came to the Washington State Public Disclosure
15 Commission office in Olympia and self reported a lapse in reporting by the union and its
16 political committee, Electrical Workers PAC 46. As a result of the discussions, it became
17 apparent that IBEW Local 46 and its PAC had failed to file reports with the PDC as required
18 by RCW 42.17. It was apparent that IBEW Local 46 had failed to file required reports since
19 2001. Mr. Price acknowledged the lapse in reporting and agreed that enforcement would be
20 appropriate. The issues related to the PAC were scheduled for a brief enforcement hearing
21 (brief adjudicative proceeding) on October 15, 2003.
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23 At the brief enforcement hearing, the Presiding Officer, Commission Chair Susan
24 Brady, considered the October 3, 2003 Enforcement Hearing Notice with Exhibits prepared by
25 staff and heard oral argument from the parties through Commission staff and Mr. Oswald.
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1 After due consideration, the Chair declined to rule on the case and asked that the matter be
2 considered at an enforcement hearing (adjudicative proceeding) before the full Commission.

3 The Commission conducted the hearing under chapters 34.05 and 42.17 RCW and
4 chapter 390-37 WAC on December 10, 2003. The Commission convened the hearing at the
5 Evergreen Plaza Building, Room 206, 711 Capitol Way South, in Olympia, Washington. The
6 staff appeared through Philip E. Stutzman, Director of Compliance. The Respondent appeared
7 through Mr. Oswald. Mr. Price was present but did not address the Commission.
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9 The Commission was given a copy of the Notice of Administrative Charges dated
10 November 19, 2003 and a Stipulation of Facts and Violations (Stipulation) dated December
11 10, 2003. The Stipulation from the parties is attached, and incorporated by reference into this
12 Order.
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14 After due consideration of the Notice of Administrative Charges, the Stipulation and
15 oral argument by Staff and the Respondent, the Commission accepted the Stipulation and
16 assessed a penalty. The Commission therefore makes the following findings and enters the
17 following order.

18 **FINDINGS**

19 Based upon the stipulated facts and violations in the Stipulation, the Commission
20 enters the following findings.
21

22 1. The Commission finds that Respondent committed multiple violations of RCW
23 42.17.180 by failing to timely report contributions it made to candidates and ballot issues
24 during 2001, 2002 and 2003; and

25 2. That the Respondent committed multiple violations of RCW 42.17.175 by
26

1 failing to file special reports within 24 hours of making contributions that exceeded \$500 to
2 candidates or ballot issues during the 21 day period prior to the 2001 general election.

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4 **ORDER**

5 The Commission also orders as follows:

- 6 1. That the Stipulation of Facts and Violations is accepted;
- 7 2. That a total civil penalty of \$2,500 is assessed against the Respondent;
- 8 3. That \$2,000 of the penalty is suspended on the condition that the Respondent commits
9 no further violations of RCW 42.17 for a period of five years from the date of this
10 Order as determined by the Full Commission.

11 **RECONSIDERATION OF FINAL ORDER - COMMISSION**

12 Any party may ask the Commission to reconsider this final order. Parties must place
13 their requests for reconsideration in writing, include the specific grounds or reasons for the
14 request, and deliver the request to the Public Disclosure Commission Office within **TEN (10)**
15 **days** of the date that the Commission serves this order upon the party. Pursuant to RCW
16 34.05.470(3), the Public Disclosure Commission is deemed to have denied the petition for
17 reconsideration if, within twenty (20) days from the date the petition is filed, the Commission
18 does not either dispose of the petition or serve the parties with written notice specifying the
19 date by which it will act on the petition. Pursuant to RCW 34.05.470(5), the Respondent is
20 not required to ask the Public Disclosure Commission to reconsider the final order before
21 seeking judicial review by a superior court.

1 **FURTHER APPEAL RIGHTS – SUPERIOR COURT**

2 Pursuant to RCW 42.17.395(5), a **final order** issued by the Public Disclosure
3 Commission is subject to judicial review under the Administrative Procedures Act, chapter
4 34.05 RCW. The procedures are provided in RCW 34.05.510 - .598. Pursuant to RCW
5 34.05.542(2), a petition for judicial review must be filed with the superior court in Thurston
6 County or the petitioner’s county of residence or principal place of business. The petition for
7 judicial review must be served on the Public Disclosure Commission and any other parties
8 within **30 days** of the date that the Public Disclosure Commission serves this final order on
9 the parties.
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11 If reconsideration is properly sought, the petition for judicial review must be served on
12 the Public Disclosure Commission and any other parties within thirty (30) days after the
13 Commission acts on the petition for reconsideration.
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16 **ENFORCEMENT OF FINAL ORDERS**

17 The Commission will seek to enforce this final order in superior court under RCW
18 42.17.395-.397, and recover legal costs and attorney’s fees, if the penalty remains unpaid and
19 no petition for judicial review has been filed under chapter 34.05 RCW. This action will be
20 taken without further order by the Commission.
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1 DATED THIS 18th day of December, 2003.

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3 FOR THE COMMISSION:

4 /s/

5 _____
6 VICKI RIPPIE, Executive Director

7 *Attachment:* Stipulation of Facts and Violations Dated December 10, 2003

8 *MAILING DATE OF THIS ORDER:*

9 12/18/03

10 _____
11 *Copies mailed to:*

12 Gary Price, Business Manager, Respondent IBEW Local 46

13 James D. Oswald, Respondent's Attorney

14 Linda Dalton, Senior Assistant Attorney General